

AMENDED IN SENATE JUNE 2, 2005
AMENDED IN SENATE MAY 31, 2005
AMENDED IN SENATE MAY 27, 2005
AMENDED IN SENATE APRIL 4, 2005
AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 153

**Introduced by Senators Chesbro, Kehoe, Kuehl, Perata, Simitian,
and Torlakson**

(Coauthor: Senator Alquist)

(Coauthors: Assembly Members Berg, Bermudez, Evans, Karnette,
Klehs, Koretz, Leno, Nation, Nava, and Ruskin)

February 8, 2005

An act to add Chapter 1.698 (commencing with Section 5096.700) to Division 5 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 153, as amended, Chesbro. California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006.

Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities.

This bill would *propose to enact*, ~~for display purposes only~~, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006, which, if adopted, would authorize, ~~for the purpose of financing a program for the acquisition, development, and preservation of park, recreational, water, coastal, agricultural land, air, cultural, and historical resources, as specified,~~

the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$3,000,000,000.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.698 (commencing with Section 5096.700) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.698. THE CALIFORNIA CLEAN WATER,
CLEAN AIR, SAFE NEIGHBORHOOD PARKS,
AND COASTAL PROTECTION ACT OF 2006

Article 1. General Provisions

5096.700. This chapter shall be known, and may be cited, as the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006.

5096.701. (a) The Legislature finds and declares all of the following:

(1) Maintaining a high quality of life for California's growing population requires a continuing investment in parks, recreation facilities, and in the protection of the state's natural and historical resources.

(2) Clean air, clean water, clean beaches, and healthy natural ecosystems that can support both human communities and the state's native fish and wildlife are all part of the legacy of California. Each generation has an obligation to be good stewards of these resources in order to pass them on to their children.

(b) The Legislature hereby recognizes that public financial resources are inadequate to meet all of the funding needs of local public park and recreation providers and that there is an urgent need for safe, open, and accessible local park and recreational facilities and for increased recreational opportunities that provide positive alternatives to social problems. Accordingly, it is declared to be the policy of this state that the funds allocated pursuant to Section 5096.720 to local agencies shall be

1 appropriated primarily for projects that accomplish all of the
2 following:

3 (1) Rehabilitate facilities at existing local parks that will
4 provide for more efficient management and reduced operational
5 costs.

6 (2) Develop facilities that promote positive alternatives for
7 youth and that promote cooperation between local park and
8 recreation service providers and youth-serving nonprofit
9 organizations.

10 (3) Promote family oriented recreation, including art activities.

11 (4) Provide for open, safe, and accessible local parklands,
12 facilities, and botanical gardens.

13 (5) Develop and enhance nonmotorized trails to promote
14 passive and active recreational enjoyment including wildlife and
15 scenic viewing opportunities.

16 5096.705. As used in this chapter, the following terms have
17 the following meanings:

18 (a) (1) “Acquisition of real property” means obtaining the fee
19 title or a lesser interest in real property, including, specifically, a
20 conservation easement or development rights. “Acquisition” with
21 respect to other historical and cultural resources means securing
22 ownership by purchase, option to purchase, gift, exchange,
23 dedication, or any combination, including rights to use, display,
24 reproduce, or replicate, as appropriate.

25 (b) “Committee” means the California Clean Water, Clean
26 Air, Safe Neighborhood Parks, and Coastal Protection Act of
27 2006 Finance Committee created pursuant to Section 5096.767.

28 (c) “Department” means the Department of Parks and
29 Recreation.

30 (d) “Development” includes, but is not limited to,
31 improvement, rehabilitation, restoration, enhancement,
32 preservation, protection, and interpretation.

33 (e) “Director” means the Director of Parks and Recreation.

34 (f) “District” means a regional park district, regional park and
35 open-space district, or regional open-space district formed
36 pursuant to Article 3 (commencing with Section 5500) of
37 Chapter 3, a recreation and park district formed pursuant to
38 Chapter 4 (commencing with Section 5780), or an authority
39 formed pursuant to Division 26 (commencing with Section
40 35100). With respect to a community or unincorporated region

1 that is not included within a district, and in which no city or
2 county provides parks or recreational areas or facilities, “district”
3 also means any other district that is authorized by statute to
4 operate and manage parks or recreational areas or facilities,
5 employs a full-time park and recreation director, offers
6 year-round park and recreation services on lands and facilities
7 owned by the district, and allocates a substantial portion of its
8 annual operating budget to parks or recreation areas or facilities.

9 (g) “Fund” means the California Clean Water, Clean Air, Safe
10 Neighborhood Parks, and Coastal Protection Fund of 2006
11 created pursuant to Section 5096.710.

12 (h) “Historical and cultural resources” includes, but is not
13 limited to, any object, building, structure, site, area, place, record,
14 book, artwork, manuscript, recording, film, negative, or digital
15 representation that is significant to California’s history, culture,
16 archaeology, or paleontology, including rights to use, display,
17 reproduce, or replicate, as appropriate.

18 (i) “Local conservation corps” means a program operated by a
19 public agency or nonprofit organization that meets the
20 requirements of Section 14406.

21 (j) “Nonprofit organization” means any nonprofit public
22 benefit corporation qualified to do business in California, and
23 qualified under Section 501(c)(3) of the Internal Revenue Code.

24 (k) “Preservation” means identification, evaluation,
25 recordation, documentation, interpretation, protection,
26 rehabilitation, restoration, stabilization, development, and
27 reconstruction, or any combination of those activities.

28 (l) “Secretary” means the Secretary of the Resources Agency.
29 5096.706. Lands or interests in land acquired with funds
30 allocated pursuant to this chapter shall be acquired from a willing
31 seller.

32
33 Article 2. The California Clean Water, Clean Air, Safe
34 Neighborhood Parks, and Coastal Protection Act of 2006
35

36 5096.710. The proceeds of bonds issued and sold pursuant to
37 this chapter shall be deposited in the California Clean Water,
38 Clean Air, Safe Neighborhood Parks, and Coastal Protection
39 Fund of 2006, which is hereby created.

1 The money in the fund shall be available, upon appropriation
2 by the Legislature, in the manner set forth in this chapter, in
3 accordance with the following schedule:

4 (a) One-third of the total amount of funds shall be allocated
5 for the acquisition, development, and deferred maintenance of
6 the state park system.

7 (b) One-third of the total amount of funds shall be allocated
8 for urban park programs.

9 (c) One-third of the total amount of funds shall be allocated
10 for all of the following:

11 (1) Nonurban local park assistance programs.

12 (2) Land, air, and water conservation programs.

13 (3) The California Farmland Conservancy Program Act
14 established pursuant to Division 10 (commencing with Section
15 10200).

16 (4) Historical and cultural resource preservation programs.

17
18 Article 3. State Parks

19
20 5096.715. _____ dollars (\$____) shall be available for
21 appropriation by the Legislature to the department as follows:

22 (a) Twenty percent for acquisition of the state park system.

23 (b) Forty percent for the development of the state park system.

24 (c) Forty percent for deferred maintenance of the state park
25 system.

26
27 Article 4. Urban Parks

28
29 Article 5: 4. Fiscal Provisions

30
31 5096.765. Bonds in the total amount of three billion dollars
32 (\$3,000,000,000), not including the amount of any refunding
33 bonds issued in accordance with Section 5096.777, or so much
34 thereof as is necessary, may be issued and sold to provide a fund
35 to be used for carrying out the purposes expressed in this chapter
36 and to be used to reimburse the General Obligation Bond
37 Expense Revolving Fund pursuant to Section 16724.5 of the
38 Government Code. The bonds, when sold, shall be and constitute
39 a valid and binding obligation of the State of California, and the
40 full faith and credit of the State of California is hereby pledged

1 for the punctual payment of the principal of, and interest on, the
2 bonds as the principal and interest become due and payable.

3 5096.766. The bonds authorized by this chapter shall be
4 prepared, executed, issued, sold, paid, and redeemed as provided
5 in the State General Obligation Bond Law (Chapter 4
6 (commencing with Section 16720) of Part 3 of Division 4 of Title
7 2 of the Government Code), and all of the provisions of that law
8 apply to the bonds and to this chapter and are hereby
9 incorporated in this chapter by this reference as though set forth
10 in full in this chapter.

11 5096.767. (a) Solely for the purpose of authorizing the
12 issuance and sale, pursuant to the State General Obligation Bond
13 Law, of the bonds authorized by this chapter, the California
14 Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal
15 Protection Act of 2006 Finance Committee is hereby created. For
16 purposes of this chapter, the California Clean Water, Clean Air,
17 Safe Neighborhood Parks, and Coastal Protection Act of 2006
18 Finance Committee is “the committee” as that term is used in the
19 State General Obligation Bond Law. The committee consists of
20 the Controller, the Director of Finance, and the Treasurer, or their
21 designated representatives. The Treasurer shall serve as
22 chairperson of the committee. A majority of the committee may
23 act for the committee.

24 (b) For purposes of the State General Obligation Bond Law,
25 the Secretary of the Resources Agency is designated the “board.”

26 5096.768. The committee shall determine whether or not it is
27 necessary or desirable to issue bonds authorized pursuant to this
28 chapter to carry out Section 5096.710 and, if so, the amount of
29 bonds to be issued and sold. Successive issues of bonds may be
30 authorized and sold to carry out those actions progressively, and
31 it is not necessary that all of the bonds authorized to be issued be
32 sold at any one time.

33 5096.770. There shall be collected each year and in the same
34 manner and at the same time as other state revenue is collected,
35 in addition to the ordinary revenues of the state, a sum in an
36 amount required to pay the principal of, and interest on, the
37 bonds each year. It is the duty of all officers charged by law with
38 any duty in regard to the collection of the revenue to do and
39 perform each and every act that is necessary to collect that
40 additional sum.

5096.771. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable.

(b) The sum necessary to carry out Section 5096.772, appropriated without regard to fiscal years.

5096.772. For purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this chapter. Any amount withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund from proceeds received from the sale of bonds for the purpose of carrying out this chapter.

5096.773. Pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, the cost of bond issuance shall be paid out of the bond proceeds. These costs shall be shared proportionally by each program funded through this bond act.

5096.774. Actual costs incurred in connection with administering programs authorized under the categories specified in Section 5096.710 shall be paid from the funds authorized by this act.

5096.775. The secretary may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, including other authorized forms of interim financing that include, but are not limited to, commercial paper, in accordance with Section 16312 of the Government Code, for purposes of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this chapter. The secretary shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

1 5096.776. All money deposited in the fund that is derived
2 from premium and accrued interest on bonds sold shall be
3 reserved in the fund and shall be available for transfer to the
4 General Fund as a credit to expenditures for bond interest.

5 5096.777. The bonds may be refunded in accordance with
6 Article 6 (commencing with Section 16780) of Chapter 4 of Part
7 3 of Division 4 of Title 2 of the Government Code, which is a
8 part of the State General Obligation Bond Law. Approval by the
9 voters of the state of the issuance of the bonds described in this
10 chapter includes the approval of the issuance of any bonds to
11 refund any bonds originally issued under this chapter or any
12 previously issued refunding bonds.

13 5096.778. Notwithstanding any provision of this chapter or
14 the State General Obligation Bond Law, if the Treasurer sells
15 bonds pursuant to this chapter that include a bond counsel
16 opinion to the effect that the interest on the bonds is excluded
17 from gross income for federal tax purposes, subject to designated
18 conditions, the Treasurer may maintain separate accounts for the
19 investment of bond proceeds and the investment earnings on
20 those proceeds. The Treasurer may use or direct the use of those
21 proceeds or earnings to pay any rebate, penalty, or other payment
22 required under federal law or to take any other action with
23 respect to the investment and use of those bond proceeds
24 required or desirable under federal law to maintain the
25 tax-exempt status of those bonds and to obtain any other
26 advantage under federal law on behalf of the funds of this state.

27 5096.779. (a) The Legislature hereby finds and declares that,
28 inasmuch as the proceeds from the sale of bonds authorized by
29 this chapter are not “proceeds of taxes” as that term is used in
30 Article XIII B of the California Constitution, the disbursement of
31 these proceeds is not subject to the limitations imposed by that
32 article.

33 (b) Funds provided pursuant to this chapter, and any
34 appropriation or transfer of those funds, shall not be deemed to
35 be a transfer of funds for the purposes of Chapter 9 (commencing
36 with Section 2780) of Division 3 of the Fish and Game Code.

37 5096.781. Except for funds continuously appropriated by this
38 chapter, all appropriations of funds pursuant to Section 5096.710
39 for purposes of the program shall be included in the annual
40 Budget Bill for the 2006-07 fiscal year, and each succeeding

1 fiscal year, for consideration by the Legislature, and shall bear
2 the label “California Clean Water, Clean Air, Safe Neighborhood
3 Parks, and Coastal Protection Program Fund of 2006.” The
4 annual Budget Bill section shall contain separate items for each
5 project, each class of project, or each element of the program for
6 which an appropriation is made.

7 5096.783. The secretary shall provide for an annual audit of
8 expenditures from this chapter.

9 SEC. 2. Section 1 of this act shall take effect upon adoption
10 by the voters of the California Clean Water, Clean Air, Safe
11 Neighborhood Parks, and Coastal Protection Act of 2006, as set
12 forth in Section 1 of this act.

13 SEC. 3. (a) Notwithstanding the requirements of any other
14 provision of law, the Secretary of State shall submit Section 1 of
15 this act to the voters at the 2006 statewide primary election.

16 (b) The Secretary of State shall ensure the placement of
17 Section 1 of this act on the 2006 primary election, statewide
18 ballot, in accordance with provisions of the Government Code
19 and the Elections Code governing the submission of statewide
20 measures to the voters.

21 (c) The Secretary of State shall include, in the ballot
22 pamphlets mailed pursuant to Section 9094 of the Elections
23 Code, the information specified in Section 9084 of the Elections
24 Code regarding the bond act set forth in Section 1 of this act.

25 ~~SEC. 4. (a) (1) Notwithstanding any other provision of this~~
26 ~~act, any bond authorized to be issued or sold pursuant to this act,~~
27 ~~and any appropriation made in this act for any purpose, are set~~
28 ~~forth for display purposes only and do not constitute an~~
29 ~~appropriation, debt, or liability.~~

30 *SEC. 4. Notwithstanding any other provision of this act:*

31 *(a) Any bond otherwise authorized to be issued or sold*
32 *pursuant to this act and any appropriation otherwise made in*
33 *this act for any purpose shall have no force or effect, and shall*
34 *not constitute an appropriation, debt, or liability.*

35 ~~(2) Funds or bonds~~

36 *(b) Funds or bonds otherwise identified in this act, regardless*
37 *of the context, shall not be available, authorized, or issued for*
38 *any purpose until expressly appropriated, authorized, or issued*
39 *by another act.*

40 ~~(b)~~

1 (c) A portion of this act, or this act, shall not be submitted to
2 the voters of the State of California.

O